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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,439	01/18/2002	Steven Spicer	T8466294US	4263

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GOWLING LAFLEUR HENDERSON LLP
COMMERCE COURT WEST, SUITE 4900
TORONTO, ON M5L 1J3
CANADA

EXAMINER	
GEREZGIHER, YEMANE M	
ART UNIT	**PAPER NUMBER**
2144	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/926,439	SPICER ET AL.	
	Examiner	Art Unit	
	Yemane M Gerezgiher	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/04/02, 06/17/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. Claims 1-10 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 03/01/2000. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 09/926438.Although the conflicting claims are not identical,

they are not patentably distinct from each other because the only difference between the two pending applications is a minor wording variation, omission of limitations and other minor differences, which do not change the scope of the invention whatsoever.

Claimed invention SN: **09/926,439**	SN: **09/926,438** (US 20030051038 A1)
1. A network resource access system for providing network terminals with access to network resources over a network, the network resource access system comprising: a resource registry including resource records associated with the network resources, the resource records defining at least a resource type for each said network resource; **a driver database including resource driver applications for** the network resources; and an authorization server for facilitating communication between the network terminals and the network resources, the authorization server being in communication with the resource registry and the driver database for providing the driver applications to the network terminals in accordance with the resource records.	1. A network resource control system for facilitating communication between network terminals and network resources over a network, the network resource control system comprising: a resource registry including resource records associated with the network resources, the resource records defining at least a user access level for each said network resource; an authorization server in communication with the resource registry for controlling network access to the network resources by the network terminals in accordance with the resource records; and an administration server in communication with the resource registry for providing controlled access to the resource records.
2. The network resource access system according to claim 1, wherein each said network terminal has an associated terminal configuration, and the resource records include a user access level, and the authorization server is configured to receive from one of the network terminals a request to communicate with one of the network resources, to provide the one network terminal with the network driver application associated with the one network resource in accordance with a correspondence between the terminal configuration of the one network terminal and the user access level associated with the one network resource.	2. The network resource control system according to claim 1, wherein the resource records define at least resource configuration data for each said network resource, and each said network terminal has an associated terminal configuration, and the authorization server is configured to receive from one of the network terminals a request for access to one of the network resources, and to configure the one terminal for communication with the one network resource in accordance with a correspondence between the terminal configuration of the one network terminal and the resource configuration data and the user access control data associated with the one network resource.
3. The network resource access system according to claim 2, wherein the resource records define a network address associated with each said network resource, and the authorization server is configured to configure the associated driver application with the respective network address.	3. The network resource control system according to claim 2, wherein the authorization server is configured to provide the one terminal with a network resource driver for communication with the one network resource in accordance with the correspondence.
4. The network resource access system according to claim 3, wherein the authorization server is configured to establish a secure communications channel with the one network terminal, and to provide the associated driver application with the respective network address over the secure communications channel.	4. The network resource control system according to claim 1, wherein the resource records are configured for access by respective administrators of the network resources, and the administration server is configured to receive from one of the network administrators a request for access to one of the resource records with user access control data, to verify authorization for the access from the access configuration associated with the one resource record, and to update the one resource record with the user access control data in accordance with the verification.

5. A method for providing network terminals with access to network resources over a network, the method comprising the steps of: receiving a request from one of the network terminals for communication with one of the network resources; obtaining resource configuration data associated with the one network resource; and facilitating communication between the one network terminal and the one network resource in accordance with a correspondence between the resource configuration data and user configuration data associated with the one network terminal.	5. A method for facilitating communication between network terminals and network resources over a network, the method comprising the steps of: providing a resource registry including resource records associated with the network resources; receiving user access control data from administrators of the network resources for incorporation into the resource records; and in accordance with the user access control data, configuring the network terminals for communication with the network resources.
6. The method according to claim 5, wherein the communication facilitating step comprises providing the one network terminal with a network driver application for communication with the one network resource in accordance with the correspondence.	6. The method according to claim 5, wherein the resource records define at least resource configuration data for each said network resource, and each said network terminal has an associated terminal configuration, and the terminal configuring step comprises the steps of receiving from one of the network terminals a request for access to one of the network resources, and configuring the one terminal for communication with the one network resource in accordance with a correspondence between the terminal configuration of the one network terminal and the resource configuration data and the user access control data associated with the one network resource.
7. The method according to claim 6, wherein the resource configuration data includes a network address associated with the one network resource, and the communication facilitating step comprises configuring the network driver application with the network address.	7. The method according to claim 6, wherein the step of configuring the one terminal comprises providing the one terminal with a network resource driver for communication with the one network resource in accordance with the correspondence.
8. The method according to claim 7, wherein the communication facilitating step comprises the steps of establishing a secure communications channel with the one network terminal, and providing the driver application with the network address over the secure communications channel.	8. The method according to claim 5, wherein each said resource record is configured for access by one of the network administrators, and the control data receiving step comprises the steps of receiving from one of the network administrators a request for access to one of the resource records, verifying authorization for the access from the access configuration associated with the one resource record, and updating the one resource record in accordance with the verification.
9. The method according to claim 6, wherein each said network terminal has an associated terminal configuration, and the resource configuration data includes a user access level, and the communication facilitating step comprises providing the network driver application in accordance with a correspondence between the terminal configuration of the one network terminal and the user access level associated with the one network resource.	
10. The method according to claim 5, wherein the step of obtaining resource configuration data comprises the steps of receiving from a network administrator of the one network resource the resource configuration data together with a request to provide the resource configuration data, verifying authorization to provide the configuration data, and storing the received configuration data in accordance with the verification.	

This is a **provisional obviousness-type double patenting rejection** because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Grantges** (U.S. Patent Number 6,324,648).

As per claim 1, *a resource registry including resource records associated with the network resources, the resource records defining at least a resource type for each said network resource;* (See Figures 1, 6 & 7, Column 7 Line 38 through Column 8 Line 14: **Grantges** disclosed resource and users information registry (authorization server, information security and certificate authority) *describing information associated with the*

client terminal requesting access of the resource and information associated with the resources logically located at the secured private network)a driver database including resource driver applications for the network resources; (See Column 9 Lines 9-35, Column 10 Lines 33-54: **Grantges** disclosed an authorization server storing identifier for the resource applications protected by a firewall in the private network)*and an authorization server for facilitating communication between the network terminals and the network resources, the authorization server being in communication with the resource registry and the driver database for providing the driver applications to the network terminals in accordance with the resource records.* (See Figures 1, 6 & 7, Column 7 Lines 28-62 and Column 9 Lines 9-14: **Grantges** taught an Authorization server establishing a communication between a user using a client network and a network resource according to the resource information record describing the client network and the resource network and authenticating the user requesting the network resource and the information of the resource application information by providing an "options page" having therein access to the resources allowing the user at the client network to select a resource application to gain access of the network resource).

As per claim 5, *receiving a request from one of the network terminals for communication with one of the network resources;*(See Figures 1,2,7 and Column 14 Lines 53-67: **Grantges** disclosed receiving a request from a client terminal over insecure global network such as the Internet) *obtaining resource configuration data associated with the one network resource; and facilitating communication between the one network terminal and the one network resource in accordance with a correspondence between the resource configuration data and user configuration data associated with the one network terminal.* (See Column 10 Lines 6-11: **Grantges** disclosed configuration information of the user at the client terminal and the configuration information of the network resource applications located at the secured enterprise network, using both information an authorization server authenticating a user at the client side to access the secured network resources establishing a communication channel accordingly).

As per claims 2, 6 and 9, *wherein each said network terminal has an associated terminal configuration,* (Since the teachings of **Grantges** did teach a client terminal been authenticated to have access to the resources located in a secured enterprise network, the network terminal to have a configuration was inherently

disclosed) *and the resource records include a user access level, and the authorization server is configured to receive from one of the network terminals a request to communicate with one of the network resources,* (See Column 7 Lines 49-58: **Grantges** disclosed multiple access levels and where the authorization server receiving access request from the client terminal and providing access according to the access level of a specific terminal demanding access of the network resources) *to provide the one network terminal with the network driver application associated with the one network resource in accordance with a correspondence between the terminal configuration of the one network terminal and the user access level associated with the one network resource.* (See Column 7 Lines 49-58, Column 8 Lines 53-65 and Column 9 Lines 9-30: **Grantges** disclosed an authorization server providing the client terminal with "driver" application where the driver is logically looked as a method of providing access to the requested resources in an enterprise network and allowing a selection to be made by the client at the client terminal to access the resources accordingly).

As per claims 3 and 7, *wherein the resource records define a network address associated with each said network resource, and the authorization server is configured to configure the*

associated driver application with the respective network address. (See Figures 1, 4B, 7 and Column 10 Lines 32-54: **Grantges** disclosed an authorization server and URL (Uniform Resource Locator) associated with the resource applications identifier facilitating the access control between the client terminal and the network resources).

As per claims 4, 8, and 10, *wherein the authorization server is configured to establish a secure communications channel with the one network terminal, and to provide the associated driver application with the respective network address over the secure communications channel*. (See Figures 1-4, 7 and Column 9 Lines 9-34, Column 12 Line 50 through Column 13 Line 42: **Grantges** disclosed a client network terminal logically located on the insecure network establishing a secured communication channel with the proxy servers and the authorization server through the proxy means in providing the driver applications "options page" (See Column 15 Lines 44-51) to the user at the client network terminal to select and access the application resource in the secured enterprise network. **Grantges** further disclosed an administration interface on the authorization server facilitating the authentication of the configuration content from the resource storage of the client

and the network resource and performing the content access control according the verification information (claim 10). See Column 7 Lines 49-58.

Conclusion

6. The prior art made of record (Form PTO-892) and not relied upon is considered pertinent to Applicant's disclosure.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Yemane Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on Monday- Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, William Cuchlinski, can be reached at (571) 272-3925.

Yemane M. Gerezgiher
Patent Examiner
AU: 2144

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